

Case No. 2:17-cv-04422-CDJ

Honorable C. Darnell Jones, II

Contrary to the statements contained in Defendants' frivolous Notice of Removal, there is no diversity of citizenship between the parties and, thus, this Court lacks subject matter jurisdiction over the dispute. In any event, removal is expressly prohibited by 28 U.S.C. § 1331(b)(2) because numerous Defendants are residents of Pennsylvania.

Because Defendants lacked any objectively reasonable basis for seeking removal, the defects in the removal are plain in the law, would have been revealed to counsel with a minimum of research, and *counsel for Defendants had actual knowledge of the lack of subject matter jurisdiction in light of prior motion practice in a related matter*, Plaintiffs also move for an award of fees and expenses, as authorized by 28 U.S.C. § 1447(c).

A supporting memorandum of law and a proposed form of order accompany this Motion and are being filed contemporaneously herewith.

WHEREFORE, Defendants respectfully request the Court issue an Order remanding this matter to the Court of Common Pleas of Philadelphia County, where it was originally and properly brought, and awarding Plaintiffs all costs and expenses, including attorney's fees, incurred in responding to this baseless Notice of Removal.

Dated: October 10, 2017

**LeVAN LAW GROUP LLC**

By: /s/ Peter H. LeVan, Jr.

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**CERTIFICATE OF SERVICE**

I certify that on this day I caused a true and correct copy of the foregoing *Motion to Remand and for Costs and Fees Pursuant to 28 U.S.C. § 1447(c)*, along with the accompanying memorandum of law, supporting exhibits and proposed form of order, to be filed using the Court's Electronic Filing System ("ECF System"). The document is available for viewing and downloading via the ECF System, and will be served by operation of the ECF System upon all counsel of record.

Dated: October 10, 2017

**LeVAN LAW GROUP LLC**

By: /s/ Peter H. LeVan, Jr.  
Peter H. LeVan, Jr.